

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

JAVIER AGRIPINO ORTIZ-SMITH

Defendant

CRIMINAL 05-0301CCC

O R D E R

Defendant Javier Agripino Ortiz-Smith filed a Notice of Appeal on April 13, 2006 (docket entry 28), more than ten (10) days after the judgment entered on March 15, 2006 (docket entry 27). Although said Notice of Appeal was late under Fed.R.App.P. 4(b)(1)(A), since it was filed within the thirty days immediately following the ten-day period the Court of Appeals has transmitted it to this Court for a ruling on whether the time for filing the notice of appeal will be enlarged thereby considering it to be timely filed as allowed by Rule 4(b)(4) (see docket entry 31).

On June 1, 2006 defendant filed a pro se motion where he lists a series of issues which he intends to raise on appeal, yet he fails to give any explanation on why his notice of appeal was late (docket entry 32). Defendant having failed to show good cause or excusable neglect which would allow an extension, the Court having found no circumstance that would justify such a finding, we decline to enlarge the time for filing the notice of appeal under Fed.R.App.P. 4(b)(4).

A copy of this Order shall be forwarded to the Court of Appeals forthwith.

SO ORDERED.

At San Juan, Puerto Rico, on June 13, 2006.

S/CARMEN CONSUELO CEREZO
United States District Judge